

REMARKS/ARGUMENTS

This Amendment is submitted in response to the Office Action mailed May 7, 2007. The deadline for responding has been extended to November 7, 2007 by a request for an extension of time made herewith.

I. Introduction

New claims 35-55 have been added. Accordingly, claims 1-55 are now pending in the application.

Claims 3-4, 8, 1-12, and 28 were objected to for depending from a rejected base claim. Applicant has amended claims 3, 8, 10 and 11 to be in independent form. Accordingly, claims 3-4, 8, 10-12 and 28 no longer depend from a rejected base claim and are now in condition for allowance.

Claims 13-26 and 29-34 were rejected under 35 USC §101. In addition claims 1-2, 5-7, 9 and 27 were rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 7,123,599 to Yano et al. In addition, claims 13 and 29 were rejected under 35 USC §103(a) as being unpatentable under 35 U.S.C. §103 over the Yano et al patent in view of U.S. Patent 6,636,498 to Leung

Since the Leung patent does not make up for the deficiencies of the Yano et al. patent discussed below, Applicant will limit the discussion primarily to the Yano et al. patent.

As will be discussed below, all of the claims are directed to patentable subject matter and none of the pending claims are anticipated or rendered obvious by the applied references.

**II. The Pending Claims Are Directed to
Statutory Subject Matter**

In the office action the Examiner rejected claims 13-26 and 29-34 under 35 USC §101 as being directed to non-statutory subject matter.

Applicants have amended claim 13 to recite the additional feature of:

"a transmission module for transmitting said packet"

Applicants note that as amended, claim 13 is directed to an apparatus which includes a machine readable medium upon which the novel packet of the present invention is embodied and a module for transmitting the novel packet. As such, claim 13 is directed to a new and useful apparatus which performs a useful communication function. The fact that the device includes a machine readable medium including a packet in accordance with the invention does not in any way result in the claim, which is directed to a physical communications apparatus, being directed to non-statutory subject matter.

Similarly, independent claim 29 is directed to a physical device, **a mobile node**, which includes:

means for generating a packet ... and
a transmitter for transmitting said generated packet
to said first access router.

The mobile node is a physical device which includes a means for generating a packet and a transmitter both of which are physical devices. The fact that the means for generating a packet having the novel features recited in the claim does not in any way result in apparatus claim being directed to something that is purely software in

nature or which would be unpatentable under 101 for any other reason.

In view of the above remarks, it is respectfully requested that the rejection of claims 13-26 and 29-34 under 35 USC §101 be reconsidered and withdrawn.

If the Examiner seeks to maintain the rejection of the claims under §101 it is requested that the Examiner explain the rejection more clearly. Applicants are not aware of anything in the guidelines that the Examiner suggested Applicant review, which would result in a conclusion that the claims are directed to unpatentable subject matter. Should the Examiner maintain the rejection it is requested that the Examiner perform the analysis suggested in the guidelines and explain the analysis so that Applicant can better understand, address and overcome any repeated rejection. This is particularly important since the rejection seems to be largely based on an issue of how the subject matter to be claimed is presented not and not an issue relating to the application of prior art.

III. The Rejections Under §102 and §103 Should be Withdrawn

1. The Rejection of the Claims Should be Withdrawn

Claims 1-2, 5-7, 9, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Yano et al. (US 7,123,599).

The Examiner's rejection of the claims is based on an apparent miss-interpretation of the message shown in Fig. 5 of the applied reference and the subsequent processing of another message described with regard to Figure 12. When

properly interpreted, it will be appreciated that the Yano et al. patent does not disclose, suggest or in any way render obvious the subject matter to which the rejected claims are directed.

In rejecting claim 1 the Examiner states:

With regard to claim 1, (see figures 5 and 12)

A communications method for use in a communications system including an end node and a first router, the method comprising:

Operating said first router to receive a packet (step 1401, column 14, lines 12-17) including a source address (505) and an option field (503), said option field including a Care of Address (516) corresponding to said node (figure 5, describe the packet: column 8, lines 33-56);
operating said first router to perform ingress filtering using said Care of Address as an ingress filter input, the result of said filtering being conditional on the value of the Care of Address (step 1403: column 14, lines 18-22: the examiner views perform filtering as processing the packet in the router.)

Applicants notes that a review of the message shown in Figure 5 reveals that it discloses that the Care of Address is included in the Source Address field of the message NOT an option field. **There is no mention of the Care of Address being included in the section 516 as the Examiner suggests.**

Col. 8, lines 33-56 of the Yano et al. patent state:

FIG. 5 shows an example of an expanded format.

As stipulated in Mobile IPv6, the home

address of the mobile terminal 105 that has transmitted a Binding Update packet is stored in a home address option section of the Binding Update packet. A care-of address temporarily used by the mobile terminal 105 in the subnetwork 102 to which it has moved is set in a transmission source IPv6 address.

Numeral 503 denotes a sub-option contained in an option of the Binding Update packet. The sub-option 503 is a section expanded by the present embodiment in order to store the routing header address.

A section 513 indicates that the sub-option has the routing header address stored therein. A section 514 indicates a length of the sub-option. A section 515 indicates a prefix length of a routing header address shown in a section 516. A section 516 indicates an address added to the routing header when the HA device 101 captures and transfers packets addressed to the home address of the mobile terminal 105.

By using the Binding Update packet shown in FIG. 5, the mobile terminal 105 registers the routing header address 516 in the HA device 101 besides the care-of address set in the transmission source IPv6 address of the Binding Update packet.

Note that the text of the patent described registering the routing header address 516 besides the care of address in the HA device 101. This makes it clear that the routing header address 516 is not the care of address but something else which is stored in addition to the care of address. A review of the text discussing the message shown in Figure 5 indicates that the Care of Address is included in the SOURCE Address field of the message NOT an option field as the Examiner suggests. The text makes it clear that the Care of Address is something different from the routing header address 516 asserted by the Examiner to be the care of address.

In view of the above remarks, it should be appreciated that the Examiner's rejection of claim 1 and the other claims is based on a miss-interpretation of the message in Figure 5 and that the rejection of all of the pending claims should be withdrawn.

IV. The New Claims are Patentable

1. New claim 35 is Patentable

Applicant has added claim 35 to further highlight the features of some embodiments. Claim 35 is patentable for the reasons claim 1 is patentable but also because it recites:

The method of claim 1, wherein operating said first router to perform ingress filtering **includes performing said ingress filtering on said received packet.**

Applicant notes that the packet shown in Figure 5 is a different packet than the one discussed in Figure 12 upon which step 1403 cited by the Examiner is performed. The packet shown in Figure 5 of the Yano reference is a packet from the mobile node as indicated by the source address being the care of address. The packet mentioned in step 1403 Figure 12 is a different packet entirely. This is clear from the step 1403 cited by the Examiner which indicates that the check being made is whether the destination address of the packet is included in a set of prefixes of Care-Of-Addresses. NOTE that the COA is the Source Address in the case of the packet of Fig. 5 NOT the destination address which is what is being checked in Figure 12.

Accordingly, claim 35 is patentable Yano et al patent for the additional features it recites.

2. New claims 37-39 are Patentable

New claims 37-39 are patentable for the same or similar reasons claim 29 is patentable.

3. New claims 40-41, 48-49 and 52-53 Are Patentable

New claims 40-41, 48-49 and 52-53 are patentable for the same or similar reasons the claim 1 is patentable.

4. New claims 42-47, 50-51 and 54-55 Are Patentable

Claim 3 was indicated to be directed to allowable subject matter. New claims 42-47, 50-51 and 54-55 are patentable for the same or similar reasons that claim 3 was found to be directed to allowable subject matter.

V. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the pending claims are in condition for allowance. Accordingly, it is requested that the Examiner pass this application to issue.


If there are any outstanding issues which need to be resolved to place the application in condition for allowance **the Examiner is requested to call (732-542-9070) and schedule an interview with Applicant's undersigned representative.** To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136 is hereby made and any required fee in regard to the extension or this amendment is authorized to be charged to the deposit

account of Straub & Pokotylo, deposit account number 50-1049.

None of the statements or discussion made herein are intended to be an admission that any of the applied references are prior art to the present application and Applicants preserve the right to establish that one or more of the applied references are not prior art.

Respectfully submitted,

November 7, 2007



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patent Office on the date shown below.

Michael P. Straub

Type or print name of person signing certification



Signature

November 7, 2007

Date